

REMARKS

In response to the Office Action dated February 18, 2005, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application is believed to be in condition for allowance.

Independent Claim 11 and the Claims Depending Therefrom

Independent claim 11 has been amended to recite the providing of the physical location information to the application as comprising “providing a method used in discovering information about the first network.” No new issues are raised by this amendment after final, because the added limitation previously was recited in claim 21, which depends from claim 11.

In the Office Action, the Examiner rejected claim 21 under 35 U.S.C. §103 as purportedly being obvious over Maass in view of admitted prior art (APA) described at page 42, lines 16-18 of the specification. The cited portion of the specification describes techniques for determining physical location of a network interface, specifically Internet Engineering Task Force RFCs 1876 and 1721, which describe physical location information expressed in terms of longitude and latitude, and one of which supports error ranges on the location information. The Office Action asserts that one of ordinary skill in the art would have been motivated by the APA to include error ranges and latitude, longitude information into the system of Maass. Applicants respectfully disagree, and point out that no *prima facie* case of obviousness was established with respect to claim 21 for at least two reasons.

First, the Office Action does not allege that the APA teaches providing to an application a method used in discovering information about the first network. Thus, any combination of Maass and the APA also fails to include such a feature as cited in previously pending claim 21, and now recited in claim 11.

Second, it is respectfully pointed out that Maass specifically teaches away from providing information relating to a discovery technique to an application, and teaches that only the location information should be provided. For example, at page 158, in the sentence beginning at the bottom of the first column and ending at the top of the second, Maass specifically states:

The LIS hides from the application which locating technology is actually used by presenting it a generic locating model.

This teaching of Maass is reiterated in the opening paragraph under section 3 on page 159, which states:

The location information server shall be able to hide the actually used locating technology from the application, therefore a generic locating model has been defined ...

As should be appreciated from the foregoing, Maass specifically teaches the desirability of hiding from the application program any information concerning the locating technology, and teaches away from that which is recited in claim 11.

In view of the foregoing, it is respectfully asserted that claim 11 patentably distinguishes over the prior art of record, such that the rejection of claim 11 over the prior art should be withdrawn. Claims 18-19 and 21-25 depend from claim 11 and are patentable for at least the same reasons.

Independent Claim 20

Claim 20 has been rewritten in independent form. No new issues are raised by this amendment after final.

Claim 20 was rejected under 35 U.S.C. §103 as purportedly being obvious over Maass in view of the same admitted prior art discussed above. The Office Action points out that the APA teaches error ranges, and concludes that it would have been obvious to one of skill in the art to “combine the error ranges in teaching of Maass as taught by APA.” Applicants respectfully disagree.

As discussed above, Maass specifically teaches that information relating to the locating technology should be hidden from the application. Thus, Maass teaches away from the combination alleged in the Office Action, which requires that information concerning the locating technology (i.e., the error range) be provided to the application. Therefore, it is respectfully asserted that claim 20 patentably distinguishes over the prior art of record, such that the rejection of claim 20 under 35 U.S.C. §103 should be withdrawn.

Independent Claim 26

Independent claim 26 is directed to a computer readable medium having instructions for performing a method providing information to an application on a computing device. The method comprises, *inter alia*, discovering that the computing device is attached to a first network and discovering information about the first network, the information comprising first physical location information; discovering that the computing device is attached to a second network different from the first; discovering information about the second network comprising second physical location information; and if the second physical location information differs from the first, providing the second physical location information to the application.

Initially, Applicants note that Maass does not teach discovering that a computing device is “attached” to any network. The Office Action asserts that this feature is taught at section 3.1 at page 160 of Maass, which discusses locating technologies. Two of the three locating technologies relate to the use of sensors and a GPS receiver to locate a tag, and do not discuss anything relating to a computing device attaching to a network. The third relates to a wireless network infrastructure, and discusses that the tag on the object to be located may be a terminal of a wireless communication network, with the radio cells of the network serving as sensors to determine where the mobile terminal is located. Thus, the teaching of Maass is that the tag in a mobile computing device (e.g., a cell phone) can be detected by the network, irrespective of whether the computing device is attached to the network. Thus, it is respectfully asserted that Maass fails to teach discovering that a computing device is attached to a network, or performing any action upon discovering such an attachment, as required by claim 26.

Claim 26 also requires that information relating to the physical location be provided to an application on the computing device attached to a network. Referring to the above-described example of Maass relating to a wireless network, for that example to disclose the method recited in claim 26, the location information must be provided to an application executing on the mobile computing device (e.g., a cell phone). Maass provides no such disclosure. Thus, it is respectfully asserted that claim 26 patentably distinguishes over Maass for this additional reason.

Finally, claim 26 also relates to an embodiment of the present invention wherein different location information may be provided to an application when the computing device is attached to

two networks. See e.g., page 39, lines 3-10, and page 39, line 23-page 40, line 5, as well as Fig.12B.

The Office Action asserts that the final limitation of claim 26 is taught by the feature of Maass wherein a roaming service updates the “currentMmd” field (noting the mobility management domain responsible for tracking the object) when the object enters a new mobility management area. Implicit in this configuration of Maass is that the object is only in one mobility management area at a time. Thus, Maass does not teach or suggest providing second physical location information to an application **if** the second physical location information differs from the first.

In this respect, it should be appreciated that claim 26 requires that the second physical location information be provided to the application conditionally, i.e., on the condition that it differs from the first physical location information. In this respect, one on-line dictionary defines “if” as “on the condition that.” Maass clearly does not teach or suggest a conditional providing of location information to the application program if it differs from first location information previously provided.

For the reasons discussed above, it is respectfully asserted that claim 26 patentably distinguishes over prior art of record, such that the rejection of claim 26 under §103 as purportedly being obvious over Maass should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed the application is now in condition for Allowance. A Notice to this effect is respectfully requested. If it is believed that the application is not in condition for Allowance, the Examiner is requested to contact the undersigned at the telephone number listed below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Moore et al., Applicant(s)

By:


Richard F. Giunta, Reg. No. 36,149
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Date: May 12, 2005

x05/18/05x